DANIEL VAN HOOK 3-3-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America, Plaintiff,) CR15-00707-PHX-SRB) Phoenix, Arizona vs.) March 3, 2016 Abdul Malik Abdul Kareem, Defendant.

> BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL - DAY #11 TESTIMONY: DANIEL VAN HOOK

APPEARANCES:

For the Government:

U.S. ATTORNEY'S OFFICE

By: Kristen Brook, Esq.

Joseph Edward Koehler, Esq.

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Phoenix, AZ 85004

For the Defendant Abdul Malik Abdul Kareem:

MAYNARD CRONIN ERICKSON CURRAN & REITER PLC

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Sandra Day O'Connor U.S. Courthouse, Suite 312

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Proceedings Reported by Stenographic Court Reporter Transcript Prepared by Computer-Aided Transcription

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1
               EXCERPT OF PROCEEDINGS
 2
               THE CLERK: Please state your name for the record and
 3
      spell your last name.
 4
               THE WITNESS: Daniel Van Hook. V-A-N H-O-O-K.
 5
               THE COURT: Is that all one word or is it with a
 6
     capital H?
 7
               THE WITNESS: Capital H.
 8
               THE COURT: Okay. Thank you.
 9
               You may proceed, Ms. Plomin.
10
              MS. PLOMIN: Thank you.
11
                    DANIEL VAN HOOK, WITNESS, SWORN
12
                           DIRECT EXAMINATION
13
     BY MS. BROOK:
14
         Good afternoon, Mr. VanHook.
        Hello.
15
     Α
16
         Hello. Mr. VanHook, do you know the gentleman who is
17
     sitting here at defense counsel table to my right?
18
     Α
         Yes.
         All right. And who is that?
19
20
         Decarus Thomas.
     Α
21
         So you call him Decarus?
22
     Α
         Yes.
23
         All right. And just for the record, I'm referring to the
24
     gentleman sitting in the blue; is that right?
25
     Α
         Yes.
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DANIEL VAN HOOK

- 1 Q Okay. And when did you meet Decarus?
- 2 A I would say back in 1994, 1995.
- 3 Q At that time how old were you?
- 4 A '95 I graduated from high school, so I guess I was about
- 5 17.
- 6 Q The year you graduated from high school?
- 7 A Yeah.
- 8 Q And how old was Decarus when you met him?
- 9 A Let's see. I'm 38, so he's probably, what, about five
- 10 years above me, so 18, 19, 21 -- about 22, 23.
- 11 Q How did you meet him?
- 12 A He is my best friend's sister's boyfriend.
- 13 Q He was back then?
- 14 A Yes.
- 15 | Q And who is your best friend?
- 16 A James Newman.
- 17 | Q And so you met Decarus through Mr. Newman; is that right?
- 18 A Yes.
- 19 | Q Okay. Now did you become friends with Decarus?
- 20 A Yes.
- 21 Q And how close of friends were you back then?
- 22 A Well, back then we were pretty good friends. We hung out.
- 23 Me, him, James, a few other of other buddies. Like our
- 24 families are really good friends, yeah.
- 25 | Q So how often would you see him?

1 Α Back then? 2 0 Yes. Well, I would say maybe once a week, maybe twice a week. 3 We didn't go to their house a lot because he used to stay 5 across the street from James and his family. 6 And Michelle, she was his girlfriend at the time, 7 they stayed directly across. I was over at James house a lot, so, yeah. 8 And are you still good friends with Decarus today? 9 10 Yes. Α 11 And as of June of last year, had your relationship with 12 Decarus changed from the time you met him to June of 2015? I wouldn't say. 13 No. Α 14 And have you ever been to the house on Cochise where 15 Decarus lived? 16 Α Yes. 17 How frequently did you go to that house? About once a week, sometimes twice a week, once a week. 18 Α What did you do when you went over to Decarus's house? 19 He cooked, so we ate, drank, had beers, talk. 20 And who else was Decarus -- or did you spend time with at 21 22 Decarus's house? Who else did you spend him with at Decarus's 23 house? 24 The other people that lived there, the other roommates; 25 Stefan, Billy. Oh, who is the other guy? Ricky. And

DANIEL VAN HOOK

- 1 Stefan's girlfriend. Those are the other people that lived in
- 2 the house.
- 3 Q And by "Stefan," do you know Stefan's last name?
- 4 A I think it's Verdugo or Verzugo, something like that.
- 5 Q And do you know his girlfriend's name?
- 6 A I know her first name, Janine.
- 7 | Q And you said "Ricky." Do you know Ricky's last name?
- 8 A No.
- 9 Q And do you know Billy's last name?
- 10 A No.
- 11 | Q And did you ever meet a man by the name -- that went by
- 12 "Ibrahim"?
- 13 A Yes.
- 14 Q Where did you meet him?
- 15 A At Decarus's house.
- 16 Q And how frequently would you see Ibrahim at Decarus's
- 17 house?
- 18 A He wasn't there often. I would see him like, maybe, I
- 19 | spent like maybe once a week over there, so maybe two to three
- 20 times of the month maybe.
- 21 Q So two to three times a month?
- 22 A Yeah.
- 23 Q And when you would hang out and drink beers at Decarus's
- 24 house, would Ibrahim be there?
- 25 A When we're drinking beer? No. Not at the time, no.

- Q Did Decarus drink in front of Ibrahim as far as you knew?
- 2 A No.
- Q So I want to focus on the period of November 2014 through
- 4 March of 2015 when Decarus --
- Are you aware that Decarus ultimately moved out of
- 6 the house on Cochise?
- 7 A Yes.
- 8 Q Do you know when that was?
- 9 A I don't know the exact date, no, but I would say maybe it
- 10 was the summer of 2015 or somewhere around there. I don't
- 11 know the exact date though.
- 12 | Q Well, let's talk about from November of 2014 to when
- 13 Decarus moved out of the house on Cochise.
- 14 A Uh-huh.
- 15 Q Were you still going there -- how often were you going
- over to the Cochise house during that time period?
- 17 A When Decarus had moved out?
- 18 Q No. Before he moved out?
- 19 A Oh, before he moved out? About once, twice a week.
- 20 Q Okay. And you were doing the same thing that you said you
- 21 | were doing, drinking beers over there?
- 22 A Yeah. He would cook, so we would eat. He would also cut
- 23 my hair. He's a barber, so he would cut my hair. Like Friday
- 24 | I would get off after work, go eat, get my hair cut, maybe
- 25 have a beer, talk.

DANIEL VAN HOOK

- 1 Q And during that time period did you notice any changes in
- 2 Decarus from how you had known him before?
- 3 A No.
- 4 Q And are you Muslim?
- 5 A No.
- 6 Q What religion are you?
- 7 A I'm Christian.
- 8 Q And how did Decarus treat you as a Christian person?
- 9 A Good. The same. Like he treated me when I first met him.
- 10 I don't think it really mattered my religion. He didn't treat
- me bad or anything. He knows that I'm Christian and my family
- 12 is Christian.
- 13 Q And you say "your family." Is your mom here watching
- 14 today?
- 15 A Yes.
- 16 Q All right. And how long has Decarus known her?
- 17 A Same amount of time, so 1994/'95. Our families know each
- 18 other just like James family. All of our moms know each
- 19 other. We know his siblings. He knows my siblings. Kind of
- 20 | like that. We moved out here from California. They are from
- 21 Philadelphia. So our families kind of became family, you
- 22 know, because we're all out of state.
- 23 | Q And how did Decarus treat your mom as a Christian?
- 24 A Very respectful. Good.
- 25 Q You're smiling. Why?

25

DANIEL VAN HOOK

3 - 3 - 16

1 Because he treats my mother with the utmost respect, you know, kind of calls her Miss Rhonda. And her first name is 2 3 Rhonda, so he treated her very respectful. Up until when he was arrested, did he still treat her 5 respectfully up to June of 2015? 6 Α Yes. 7 Did you ever hear Decarus use the term "kafir"? Α Yes. 8 And in what context did you hear him use that term? 9 10 To me, like in a joking context. Α 11 All right. In a joking context. Q 12 Can you explain that a little more? Yeah. Like if we're talking about something, he would 13 14 say, oh, you don't understand, you kafir, oh, ha, ha, ha, and 15 start laughing. Like, man, be quiet, you know, you don't even 16 know what "kafir" means. 17 Did you ever feel threatened when Decarus called you a kafir? 18 19 Α No. Now, I want to talk about your relationship with Stefan 20 Verdugo. How do you know Stefan Verdugo? 21 22 Α Through Decarus. He was one of Decarus's movers. 23 Do you know when you met him? 24 We've known Stefan for a long time, so I would say -- I

don't know when he met him, but I know that he has known him

24

25

Q

Α

No.

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1 for a very long time. 2 When did you meet him? 3 Oh, I met Stefan about ten years ago, maybe. Α And did you become friends with Stefan Verdugo? 0 5 Α Yes. 6 And you said that you and Stefan Verdugo would be at the 7 Cochise house together? Yes. 8 Α 9 And during that time -- and I want to focus on from 10 November 2014 to when Decarus moved out of the Cochise house. 11 During that time were you ever with Stefan when 12 Decarus told you he was a part of ISIS? 13 Α No. 14 Did Decarus ever tell you he was a part of ISIS? 15 Α No. Were you ever with Stefan when any kind of videos were 16 17 played depicting ISIS or execution-style videos? 18 Α No. Did you ever see any of those types of videos being played 19 at Decarus's house? 20 21 Α No. 22 Did Decarus ever show you any of those types of videos? 23 Α No.

Did you ever see Decarus pull a gun on Mr. Verdugo?

DANIEL VAN HOOK

- 1 Q Did you ever see a gun at Decarus's house at all?
- 2 A No.
- 3 Q Now, you said you have been in the Cochise house at the
- 4 | same time as a man named Ibrahim?
- 5 A Yes.
- 6 Q And during that time, did you have conversations with
- 7 Ibrahim and Decarus?
- 8 A Yes.
- 9 Q Did you ever hear anything during a conversation about --
- 10 | with Ibrahim and Decarus about ISIS?
- 11 A No.
- 12 Q Did you ever hear anything about -- within those
- conversations about a contest in Texas of drawing the Prophet
- 14 Muhammad?
- 15 A No.
- 16 Q And did you ever hear anything about any mention of an
- 17 | attack in Paris, a Charlie Hebdo attack, between Ibrahim and
- 18 Decarus Thomas?
- 19 A No.
- 20 Q Do you own a gun?
- 21 A No.
- 22 Q Have you ever shot a gun?
- 23 A Have I ever shot a gun? Yes.
- 24 | Q And how many times have you shot a gun? How many
- 25 occasions have you shot a gun?

DANIEL VAN HOOK

- 1 A Maybe twice.
- Q Okay. And on either of those occasions did you go shoot
- 3 the gun or a gun with Decarus?
- 4 A Yes.
- 5 Q And who were you with when you went to go do that?
- 6 A It was me, Decarus, a friend of ours Sergio, Sergio's
- 7 brothers. We went to Sergio's parents' house. They have a
- 8 ranch. And his father and his mother was also there. They
- 9 cook dinner or made us lunch and they kind of have like a
- 10 | shooting range and we went shooting, yes.
- 11 Q And when you went to Sergio's parents' house, did you --
- were you planning on going shooting or did it just happen?
- 13 A It just happened.
- 14 Q And how long ago was that?
- 15 A It was so long ago, I would say six years ago, seven years
- 16 ago.
- 17 | Q Now, moving to May of 2015, did there come a time when you
- 18 | learned that Ibrahim -- Ibrahim had gone to attack a contest
- 19 in Texas?
- 20 A I found out about that after it happened.
- 21 Q And when you found out about that --
- I want to talk about the period after you found out
- about that. How did you find out about it?
- 24 A Through Decarus.
- Q Okay. And after that -- well, let me back up.

1 Do you know when Stefan Verdugo moved out of the 2 Cochise house for the last time? 3 I don't recall the exact date, but I would say it was summer of 2015, somewhere around that time. 5 Okay. And do you know where he moved after he moved out? 6 I don't think he really had a steady place to go, so I 7 don't know exactly where he moved. I know that he was staying 8 like with friends, another good friends of his. I forgot the guy's name. And I know he was staying like at a Budget 9 10 Suites, so kind of place to place. So after he moved out of Decarus's house, did Verdugo --11 12 was Verdugo essentially homeless? 13 Α Yes. 14 And did you talk to Verdugo in the time after he moved out of Decarus's house? 15 16 Α Yes. 17 And during that time how was Verdugo doing financially? He was struggling. Wasn't doing so well. He was having a 18 hard time. He was from home to home, so I would say he was 19 20 struggling, low on money. All right. And at some point did you have a conversation 21 22 with Verdugo about moving into Decarus's -- back in with 23 Decarus? 24 Yes. Α 25 And did Verdugo express to you that he wanted to move back Q

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1
      in with Decarus?
 2
               MR. KOEHLER: Objection. Hearsay.
 3
               THE COURT: Sustained.
               MS. PLOMIN: It's offered for impeachment, Your
 4
 5
      Honor.
               THE COURT: Sustained.
 6
 7
      BY MS. PLOMIN:
          And did you -- after you spoke to Verdugo, did you make a
 8
      phone call to Decarus asking if Verdugo could move back in
 9
      with him?
10
11
               MR. KOEHLER: Objection. Leading.
12
               THE COURT: Overruled. You may answer "yes" or "no."
13
               THE WITNESS: Yes.
14
      BY MS. PLOMIN:
15
          And did Decarus, after that, allow Verdugo to move back in
16
      with him?
17
      Α
          No.
          Did you testify that Verdugo moved out of the Cochise
18
      house in December 2015?
19
               MR. KOEHLER: Objection.
20
               THE COURT: I don't think he said at all when he
21
22
      moved out, only that he remembered that he did.
23
      BY MS. PLOMIN:
24
          Okay. Do you have a clear memory of when Verdugo moved
25
      out of the house on Cochise?
```

```
1
      Α
          No.
 2
               MS. PLOMIN: I don't have any more questions.
 3
               Thank you.
               THE COURT: Mr. Koehler.
 5
                             CROSS EXAMINATION
 6
      BY MR. KOEHLER:
 7
      Q
          Good afternoon, sir.
          Good afternoon.
 8
 9
          You haven't met me before; is that correct?
10
          That's correct.
      Α
11
          Nor have you met Agent Whitson?
      Q
12
          I have not met him before, no.
13
          Nor Ms. Brook; is that correct?
      Q
14
          That's correct.
      Α
15
          Now, you did submit to an interview with a couple of FBI
16
      agents on two different occasions in connection with this
17
      case; is that right?
18
      Α
          Yes.
          One in May of 2015 and another in January of 2016; is that
19
      right?
20
          That sounds about right, yes.
21
      Α
22
          And am I right from your interviews that you didn't think
23
      that Elton Simpson was capable of the kind of violence that we
24
      saw in the attack in May of 2015?
25
               MS. PLOMIN: Objection. Hearsay.
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1 THE WITNESS: That's not correct. 2 THE COURT: He was asked whether he thought Elton 3 Simpson was capable and he said "that's not correct," so the 4 objection is overruled. The answer will stand. 5 MR. KOEHLER: If I can have one moment. 6 BY MR. KOEHLER: 7 Did you say to agents on May 17 of 2015 that you were 8 surprised that Simpson had engaged in such an attack because 9 you had always seen Simpson as a quiet and sensible individual? 10 I said I was surprised, yes, but I did not say that it was 11 12 unbelievable or what you stated earlier. I said that it was 13 surprising, yes. 14 Did you also say that you never overheard Simpson talking 15 about guns? 16 Α Yes. 17 Did you also say that you never heard any indications from Mr. Thomas, as you knew him, that Simpson was planning or 18 capable of this type of attack? 19 20 Yes. You also stated that Thomas did not own any guns; is that 21 22 right? 23 Α From what I'm aware --24 MS. PLOMIN: Objection. Hearsay. 25 THE COURT: Sustained. Form of the question, Mr.

DANIEL VAN HOOK

- 1 Koehler.
- BY MR. KOEHLER:
- 3 Q To your knowledge, at that time Decarus Thomas as you knew
- 4 | him did not own any guns; is that correct?
- 5 A That's correct.
- 6 Q You went over to that house every other weekend roughly;
- 7 | is that correct?
- 8 A Yes.
- 9 Q And at the time that you went over there, you had beers
- 10 | with him?
- 11 A Yes.
- 12 Q Did Mr. Simpson or Mr. Soofi ever stay at the house during
- 13 | the time that you were having beers with him?
- 14 A I don't know Mr. Soofi, but I know a Mr. Simpson, and, no,
- 15 he did not.
- 16 Q So you don't know Mr. Soofi. You never ever saw him at
- 17 the house?
- 18 A I saw him coming and going once. But other than that, I
- 19 did not know at the time that that was Mr. Soofi. I only
- 20 | found out the quy's name "Mr. Soofi" on the news. So at that
- 21 | time, no, I did not know that that was Mr. Soofi.
- 22 | Q You mentioned on direct somebody named "Billy"; is that
- 23 right?
- 24 A Yes.
- Q Was there more than one Billy at the house?

17

DANIEL VAN HOOK

- 1 Α Yes. 2 How did the people at that house differentiate between the 3 two Billies?
- One Billy is black and the other Billy is white.
- 5 Okay. So did they have nicknames?
- 6 Α Yes.
- 7 Who gave them those nicknames, if you know?
- I'm not sure who gave them the nicknames, but they did 8
- have nicknames. 9
- 10 And did Decarus Thomas use those nicknames with them?
- 11 Α Yes.
- 12 What were their nicknames?
- White Billy and Black Billy. 13 Α
- 14 Did you spend any time at the 21st Drive apartment after
- 15 Decarus Thomas moved out of the house on Cochise?
- 16 Α Yes.
- 17 How often would you visit there?
- Oh, not as often, but I would say maybe once every two 18
- weeks maybe. 19
- And when you went there was Elton Simpson there? 20
- 21 Α No.
- 22 MR. KOEHLER: If I can have a moment?
- 23 No further questions.
- 24 THE COURT: Any questions on redirect, Ms. Plomin?
- 25 MS. PLOMIN: Just one moment, Your Honor.

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1
               No, Your Honor. Thank you.
 2
               THE COURT: May this witness be excused and released
 3
      from his subpoena?
 4
               MS. PLOMIN: Yes.
 5
               THE COURT: Thank you. You may be excused.
 6
               THE WITNESS: I have a question.
               After you are a witness, because I've never been
 7
      through anything like this before, are you allowed to stay and
 8
      hear the rest of the trial?
 9
               THE COURT: Yes.
10
11
               THE WITNESS: Okay.
12
               All right. That's it. Thank you.
13
          (End of Excerpt of Proceedings.)
14
15
16
17
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1	
2	CERTIFICATE
3	
4	I, ELIZABETH A. LEMKE, do hereby certify that I am
5	duly appointed and qualified to act as Official Court Reporter
6	for the United States District Court for the District of
7	Arizona.
8	I FURTHER CERTIFY that the foregoing pages constitute
9	a full, true, and accurate transcript of all of that portion
LO	of the proceedings contained herein, had in the above-entitled
L1	cause on the date specified therein, and that said transcript
L2	was prepared under my direction and control.
L3	DATED at Phoenix, Arizona, this 8th day of March,
L4	2016.
L5	
L6	
L7	
L8	
L9	s/Elizabeth A. Lemke
20	ELIZABETH A. LEMKE, RDR, CRR, CPE
21	
22	
23	
24	
25	